

REMARKS

Upon entry of the present response, claims 23-38 will have been amended. Claims 2-18, 20-21, and 23-38 remain pending in the present application, with claims 1, 19, and 22 having been previously canceled.

In the outstanding Official Action, the Examiner indicated that claims 2-18 and 20-21 contain allowable subject matter and that claims 23-38 are rejected under 35 U.S.C. § 101. Further, the Examiner indicated that claims 2, 4-10, 12, 16-18, 23, 25-31, 33, 37, and 38 are objected to and that the double brackets "[[ ]]" used to indicate deleted text in the Response filed on August 29, 2006 should be changed to single brackets "[ ]".

Initially, Applicants would like to thank the Examiner for his indication that claims 2-18, 20, and 21 are allowable. Further, Applicants would also like to thank the Examiner for conducting a telephone interview with a representative for Applicants, John Mazzola, on November 22, 2006. During the interview, the Examiner indicated that he would withdraw the rejections of claims 23-38 under 35 U.S.C. § 101 if Applicants added the term "tangible" (as in "tangible computer readable medium") to the preamble of claims 23-38, which Applicants have done in the present amendment. Thus, Applicants respectfully request that the Examiner withdraw the rejections as to claims 23-38. and indicate the allowability thereof. Applicants note that the amendment to the claims was made for enhanced clarity and does not change the scope of the claims.

During the interview, the Examiner also agreed to withdraw the finality of the outstanding Official Action of November 15, 2006, which Applicants maintained is improper, as the Examiner raised new grounds of rejection not necessitated by the amendments made by Applicants in the Response filed on August 29, 2006. Further, in the previous Office Action of June 1, 2006, the Examiner indicated that claims 14, 15, 20, 21, 35, and 36 contain allowable subject matter and would be allowable if rewritten into independent form, which Applicants did in the Response filed on August 29, 2006, only to have claims 35 and 36 rejected in the outstanding final Official Action on new grounds.

Regarding the Examiner's objections to the double bracket markings in the Response of August 29, 2006 as noted above, Mr. Mazzola indicated during the Interview that the text of any deleted matter in the claims may be shown by double brackets for five or fewer consecutive characters, as set forth in the Revised Amendment Practice 37 C.F.R. § 1.121 - Final Rule, effective date July 30, 2003.

Further in this regard, Applicants also refer the Examiner to MPEP § 714 II C. (B), which indicates that changes to any amended claim must be shown by strikethrough for deleted matter with 2 exceptions, including the use of double brackets to indicate the deletion of five or fewer consecutive characters, or if strike-through cannot be easily perceived. Accordingly, Applicants submit that the use of double brackets to indicate deleted text in the Response filed on August 29, 2006 is appropriate and respectfully requests withdrawal of the outstanding objections of claims 2, 4-10, 12, 16-18, 23, 25-31, 33, 37, and 38 and an indication of the allowance thereof.

As indicated by the Examiner in the outstanding Official Action, claims 2-18 and 20-21 contain allowable subject matter. Further, although Applicants have not acquiesced in the propriety of the Examiner's rejections, Applicants have amended claims 23-38 in the manner discussed above in accordance with the telephone interview conducted on November 22, 2006 with the Examiner. Moreover, Applicants further submit that the amendment to the claims are not narrowing amendments. Thus, Applicants respectfully request reconsideration and withdrawal of the outstanding objections and rejections of the claims, as well as an indication of the allowability of each of the claims 2-18, 20-21, and 23-38 in view of the present remarks.

SUMMARY AND CONCLUSION

Applicants have made a sincere effort to place the present application in condition for allowance and believe that they have now done so.

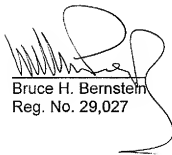
Applicants note the status of the present application as being after final rejection and with respect to such status believes that there is a clear basis for the entry of the present amendment consistent with 37 C.F.R. § 1.116. Applicants note that amendments after final are not entered as a matter of right; however, Applicants submit that the amendments made to the pending claims do not raise any new issues requiring further search or consideration. It is also submitted that the present amendment does not raise the question of new matter. Moreover, the present amendment clearly places the present application in condition for allowance, at least due to the Examiner's apparent inclination during the aforementioned telephone call with Applicants' representative.

Accordingly, Applicants respectfully requests entry of the present amendment in accordance with the provisions of 37 C.F.R. § 1.116, reconsideration and withdrawal of the outstanding objections and rejections, and indication of the allowability of all of the claims pending herein.

Any amendments to the claims which have been made in this amendment, and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Should the Examiner have any questions, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,  
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